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PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	Patent#: 6,979,735	
	Filing Date	Issued: December 27, 2005	
	First Named Inventor	Johannes BOOIJ	
	Art Unit	1624	
	Examiner Name	M. L. Berch	
Total Number of Pages in This Submission	12	Attorney Docket Number	246152015300

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form(s) SB/17i (1 pg +dup) and SB/17 (1 pg + dup)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1) Request for Certificate of Correction Pursuant to 37 CFR 3.81(b) (2 pgs)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2) Copy of USPTO Assignments on the Web page, showing Chain of Title for Patent No. 6,979,735 (1 pg)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3) Request for Certificate of Correction Pursuant to 37 CFR 1.323 (2 pgs)
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	4) Proposed Certificate of Correction (1 pg)
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Customer No. 25225	5) Marked-up copy of first page of Patent No. 6,979,735 (1 pg)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Emily C. Tongco		
Date	January 12, 2006	Reg. No.	46,473

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Dated: January 12, 2006

Signature:

(Judy Bridgewater)



PTO/SB/17i (04-05)

Approved for use through 7/31/2007. OMB 0651-0031

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**PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to:MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	Patent #: 6,979,735
Filing Date	Issued: December 27, 2005
First Named Inventor	Johannes BOOIJ
Art Unit	1624
Examiner Name	M. L. Berch
Attorney Docket Number	246152015300

Enclosed is a paper filed under 37 CFR 3.81(b) that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
☒ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130**Fee Code 1808 for all,****Except for \$1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by §1.63, except in provisional applications.
- § 1.48 – for correcting inventorship, except in provisional applications.
- § 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under §1.53(b).
- § 1.55 – for entry of late priority papers.
- § 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) – for processing a belated submission under § 1.99.
- § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) – for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) – for requesting deferred examination of an application.
- § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 – for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature

January 12, 2006

Date

Emily C. Tongco

46,473

Typed or printed name

Registration No., if applicable



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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Patent#: 6,979,735
TOTAL AMOUNT OF PAYMENT		Filing Date	Issued: December 27, 2005
(\$)		First Named Inventor	Johannes BOOIJ
100.00		Examiner Name	M. L. Berch
		Art Unit	1624
		Attorney Docket No.	246152015300

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - = _____ x _____ = _____

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - = _____ x _____ = _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 _____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>1811 Certificate of correction</u>	100.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	46,473
Name (Print/Type)	Emily C. Tongco	Telephone	(858) 314-5413
		Date	January 12, 2006

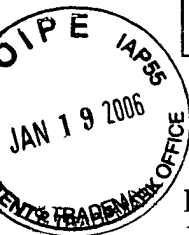
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Dated: January 12, 2006

Signature:

Judy Bridgewater
(Judy Bridgewater)

Docket No.: 246152015300
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Johannes BOOIJ et al.

Patent No.: 6,979,735

Issued: December 27, 2005

For: AGGLOMERATES BY CRYSTALLISATION

**REQUEST TO CORRECT ASSIGNEE
PURSUANT TO 37 CFR 3.81(b)**

MS PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Patentee respectfully requests the Assignee information on the above issued patent be corrected as follows:

(73) Assignee: "DSM N.V., Heerlen (NL)" --**DSM IP ASSETS B.V., Heerlen (NL)**--

The mistake in identifying the Assignee on the PTOL-85B at the time of payment of the issue fee was inadvertent.

Enclosed herewith are the following documents:

- 1) Processing Fee Transmittal SB/17i in duplicate;
- 2) Fee Transmittal SB/17 in duplicate;
- 3) Copy of the USPTO Assignments on the Web page which shows the chain of title for the above-referenced patent to be as follows: 1) Assignors Johannes BOOIJ and Geertruida Ageeth

sd-296961

01/19/2006 EAREGAY1 00000009 031952 6979735

01 FC:1464

130.00 DA

LEFFERTS, Assignee DSM N.V. (reel 012656, frame 0134); and 2) Assignor DSM N.V., Assignee DSM IP ASSETS B.V. (reel 014634, frame 0415);

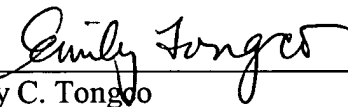
- 4) Request for Certificate of Correction Pursuant to 37 CFR 1.323;
- 5) Proposed Certificate of Correction in duplicate; and
- 6) Marked-up copy of first page of Patent No. 6,979,735.

Patentee requests that the file be forwarded to the Certificates of Correction Branch for issuance of a Certificate of Correction.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Deposit Account No. 03-1952**, referencing docket no. 246152015300.

Dated: January 12, 2006

Respectfully submitted,

By 
Emily C. Tongco

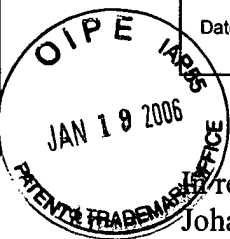
Registration No.: 46,473
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
(858) 314-5413

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Dated: January 12, 2006

Signature: Judy Bridgewater
(Judy Bridgewater)

Docket No.: 246152015300
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Letters Patent of:
Johannes BOOIJ et al.

Patent No.: 6,979,735

Issued: December 27, 2005

For: AGGLOMERATES BY CRYSTALLISATION

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 CFR 1.323

MS PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted a typographical error which should be corrected as follows:

At page 1, (54) AGGLOMERATES BY "CRYSTALLIZATION"
--CRYSTALLISATION--

Patentee also respectfully requests correction of the Assignee information on the above issued patent as follows:

At page 1, (73) "DSM N.V., Heerlen (NL)" --DSM IP ASSETS B.V., Heerlen
(NL)--

The mistake by Applicants in identifying the Assignee on the PTOL-85B at the time of payment of the issue fee was inadvertent.

Enclosed is a copy of the USPTO Assignments on the Web page which shows the chain of title for the above-referenced patent to be as follows: 1) Assignors Johannes BOOIJ and

sd-296946

01/19/2006 EAREGAY1 00000009 031952 6979735

02 FC:1811

100.00 DA

Geertruida Ageeth LEFFERTS, Assignee DSM N.V. (reel 012656, frame 0134); and 2) Assignor DSM N.V., Assignee DSM IP ASSETS B.V. (reel 014634, frame 0415).

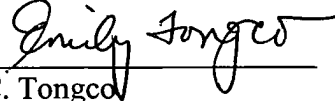
Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction and, because the mistake occurred on Patentee's part, the fee set forth in 37 CFR 1.20(a) is also enclosed.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Deposit Account No. 03-1952**, referencing docket no. 246152015300.

Dated: January 12, 2006

Respectfully submitted,

By


Emily C. Tongco

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 6,979,735
APPLICATION NO. : 09/937,834
ISSUE DATE : December 27, 2005
INVENTOR(S) : Johannes BOOIJ et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, line (54) Title should read as follows:

--(54) **AGGLOMERATES BY CRYSTALLISATION**--

On the title page, line (73) Assignee should read as follows:

--(73) Assignee: **DSM IP ASSETS B.V., (Heerlen (NL))**--

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Attention: Certificate of Correction Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 12, 2006

Signature: Judy Bridgwater

(Judy Bridgwater)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Emily C. Tongco
MORRISON & FOERSTER LLP
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San Diego, California 92130-2040

1

sd-296945



US006979735B1

(12) **United States Patent**
Booij et al.

(10) **Patent No.:** **US 6,979,735 B1**
(45) **Date of Patent:** **Dec. 27, 2005**

(54) **AGGLOMERATES BY CRYSTALLIZATION**

(75) Inventors: **Johannes Booij**, Bloemendaal (NL);
Ageeth Geertruida Lefferts, Breda (NL)

(73) Assignee: **DSM N.V.**, Heerlen (NL)

(*) Notice: **DSM IP ASSETS B.V.**
Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

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WO WO-98/02145 1/1998

(Continued)

OTHER PUBLICATIONS

<<http://adams.allwords.com/word-random.html>> Allwords.com entry for "random" downloaded from the Internet Jun. 22, 2004.*

(Continued)

Primary Examiner—Mark L. Berch

(74) Attorney, Agent, or Firm—Morrison & Foerster LLP

(57) ABSTRACT

The present invention describes novel agglomerates in crystalline form of β -lactam compounds. Furthermore, a process for the preparation of said agglomerates, wherein a solution or suspension of at least one β -lactam compound in a solvent is mixed with one or more anti-solvents has been described.

24 Claims, 1 Drawing Sheet

(21) Appl. No.: **09/937,834**

(22) PCT Filed: **Apr. 3, 2000**

(86) PCT No.: **PCT/EP00/02917**

§ 371 (c)(1).

(2), (4) Date: **Feb. 13, 2002**

(87) PCT Pub. No.: **WO00/41478**

PCT Pub. Date: **Jul. 20, 2000**

(30) Foreign Application Priority Data

Apr. 1, 1999 (EP) 99201034

(51) Int. Cl.⁷ **C07D 503/18; A61K 9/16; A61K 31/424**

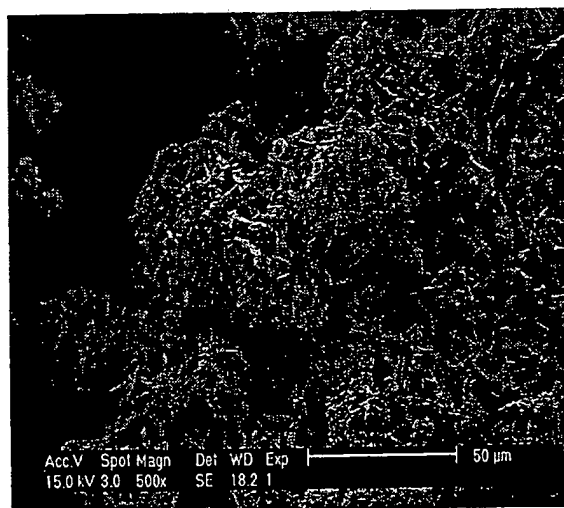
(52) U.S. Cl. **540/349**

(58) Field of Search **540/355, 300-353, 540/205-230**

(56) References Cited

U.S. PATENT DOCUMENTS

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Patent Assignment Abstract of Title

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Total Assignments: 2

Patent #: [6979735](#) **Issue Dt:** 12/27/2005 **Application #:** 09937834 **Filing Dt:** 02/13/2002

Inventors: Johannes Booij, Ageeth Geertruida Lefferts

Title: AGGLOMERATES BY CRYSTALLISATION

Assignment: 1

Reel/Frame: [012656/0134](#)

Recorded: 02/13/2002

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [BOOIJ, JOHANNES](#)

Exec Dt: 09/06/2001

[LEFFERTS, GEERTRUIDA AGEETH](#)

Exec Dt: 09/17/2001

Assignee: [DSM N.V.](#)

HET OVERLOON 1

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Correspondent: MORRISON & FOERSTER LLP

KATE H. MURASHIGE

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SUITE 500

SAN DIEGO, CALIFORNIA 92130-2332

Assignment: 2

Reel/Frame: [014634/0415](#)

Recorded: 11/03/2003

Pages: 29

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [DSM N.V.](#)

Exec Dt: 10/13/2003

Assignee: [DSM IP ASSETS B.V.](#)

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Correspondent: PILLSBURY WINTHROP LLP

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MCLEAN, VA 22102

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